

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No.: 15-md-02666 (JNE/FLN)
WARMING PRODUCT LIABILITY
LITIGATION

This Document Relates To:

BARBARA JENKINS, as Administrator
of the Estate of GWENDOLYN,
JENSEN, Deceased,

Civil Action No.: 17-CV-03014-JNE-FLN

Plaintiff,

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS

NOW COMES Plaintiff, Barbara Jenkins, as Administrator of the Estate of Gwendolyn Jensen, identified in Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1316], and by and through undersigned counsel submits this, her Response to Defendants' Motion to Dismiss, and would respectively show the Court the following:

1. In July of 2015, Ms. Gwendolyn Jensen contacted undersigned counsel regarding an infection and subsequent treatment that she experienced due to the use of a Bair Hugger patient warming device during an orthopedic surgery.
2. Counsel worked to obtain medical records and billing records to move forward with the case. Those records indicated that a Bair Hugger device was used during the original surgery.
3. Ms. Jensen passed away on August 12, 2016.

4. Prior to filing the instant case, counsel was in contact with Ms. Barbara Jenkins regarding the claim. Ms. Jenkins stated that she wished to move forward with the case and indicated that she would begin the process of obtaining the necessary probate documents.
5. On July 17, 2017, counsel filed the current action to comply with what was identified as a possible statute of limitations deadline for the relevant claim.
6. Following the filing of the case, numerous efforts to contact Ms. Jenkins undertaken by counsel to obtain the information necessary to complete the Plaintiff Fact Sheet have been complicated by a general inability to reach the client.
7. As a result, counsel has been unable to obtain the information necessary to complete the Plaintiff Fact Sheet.
8. Counsel requests additional time to contact Ms. Jenkins to obtain the information necessary to complete the Plaintiff Fact Sheet.

Accordingly, undersigned counsel request that the current action not be dismissed with prejudice and that an additional ninety (90) day extension be granted to allow time for Counsel to reestablish contact with Ms. Jenkins and have her provide the necessary information to cure any alleged deficiencies with the Plaintiff Fact Sheet and to continue the case.

Dated: July 10, 2018

KENNEDY HODGES, LLP

By: /s/ David W. Hodges

David W. Hodges

dhodges@kennedyhodges.com

Gabriel A. Assaad

gassaad@kennedyhodges.com

4409 Montrose Blvd. Ste 200

Houston, TX 77006

Telephone: (713) 523-0001

Facsimile: (713) 523-1116

ATTORNEYS FOR PLAINTIFF